

**Resolution Agreement**  
Utah Military Academy  
Office for Civil Rights Case Number 08-18-1174

The U.S. Department of Education, Office for Civil Rights (OCR) and the Utah Military Academy (Academy) enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the Academy. The Academy assures OCR, that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively. Accordingly, to resolve the issues of this investigation, the Academy agrees to take the following actions.

**Agreement Terms**

**Item 1**

By **July 30, 2018**, the Academy will develop for OCR's approval, training for staff and administration at the xxxxxx campus on the evaluation, re-evaluation, and placement process for students under Section 504 and the ADA. The training will include a discussion of appropriate accommodations for students with specific learning disabilities, ADD/ADHD and other learning/mental health disabilities.

**Reporting Requirement 1.1**

By **July 30, 2018**, the Academy will provide for OCR's approval its draft training for the Section 504 training. The Academy will include the name, title and credentials of the proposed trainer for OCR's approval.

**Reporting Requirement 1.2**

By **September 1, 2018**, the Academy will provide the training for all staff and administration at the xxxxxxx campus.

**Reporting Requirement 1.3**

Within **5 days** of the training, the Academy will provide written assurances that all required individuals have been provided the required training, to include a copy of the Academy's sign in sheets with individuals identifying themselves by name, title, and school.

**Agreement Item 2**

By **August 15, 2018**, the Academy will conduct an independent educational evaluation (IEE) of the student and convene an IEP meeting with the parents, the multidisciplinary team, and Section 504 evaluation team, if different, at the xxxxxx campus. In the meeting the team will develop a new IEP for the student and determine the level and amount of compensatory education (tutoring and

extended year services) services the Academy will provide to the Student, and a plan including a time frame for implementation of the compensatory services.

Reporting Requirement 2.1

By **September 15, 2018**, the Academy will provide OCR with a written narrative describing that how it conducted an IEE of the student, conducted and IEP meeting, developed a new IEP for the Student and determined its plan for compensatory education, including a copy of the plan and time frame for implementation. The narrative will include a list of individuals who participated in the meeting.

Reporting Requirement 2.2

By **December 31, 2018**, the Academy will provide OCR with written documentation that it has provided the required compensatory education to the Student.

The Academy understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the Academy understands that during the monitoring of this agreement, if necessary, OCR may visit the Academy, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Academy has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. §§ 104.61, which incorporates the Title VI regulation at 34 C.F.R. § 100.7(e), and the Title II regulation at 28 C.F.R. § 35.134, which were at issue in these cases. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The Academy understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the Academy written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the Academy's representative below.

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/s/  
Matt Throckmorton, Executive Director  
For the Utah Military Academy

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Date